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HPLM
PATENT
655.00955

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Viktor Brost et al.) HEADER-LESS VEHICLE RADIATOR
Serial No.: 09/837,072)
Filed: April 18, 2001) Group Art Unit 3743
) Examiner: Tho V. Duong
)

LETTER RESPONSE

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TECHNOLOGY CENTER R3700

Sir:

This is in response to the Office Action dated July 29, 2003.

The double patenting rejection of claims 1, 2, and 11-13 is no longer believed applicable. Specifically, approximately concurrently herewith, the Applicant is filing a Terminal Disclaimer as kindly suggested by the Examiner.

37 CFR 1.8
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 29, 2003.

Bertha Jackson
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The rejection of claims 1, 2, and 11 as anticipated by Jamison is traversed.

At the outset, the Applicants note that while Jamison purports to show a heat exchanger having some similarities to that what is claimed, the fact is there are a number of differences between Applicants heat exchanger and that of Jamison's which are set out within claims 1, 2, and 11. It is axiomatic that an anticipation rejection is proper only when a single reference shows every limitation of the claims of concern. That clearly is not the case here so the rejection must fail.

More particularly, Jamison shows a heat exchanger of what is commonly known as a "drawn cup" construction. In such a construction, a plurality of plates are stamped into particular configurations. The plates are abutted with recesses therein facing toward each other to provide a fluid flow space with flow being confined to the recesses by outwardly directed flanges on the sides thereof. Jamison shows, in Fig. 4 for example, a recess of the type of concern at 48 and the flanges at 50 and 52.

Jamison fits his manifold 68 into slots 84 in the flanges 50 and 52. The slots are spaced from the walls of the recesses 48. In order to seal the entire configuration, the manifold 70 must be sealed against the edges of the slots 84 and the flanges 50 and 52 sealed to one another. If there is a break in the seal, a defective heat exchanger results.

Turning now to claims 1 and 11 the same call for a core that includes a plurality of generally rectangularly shaped tubes with each of the tubes having a pair of side walls extending through the core which are joined by end walls at the front and rear faces of the core. The end walls of the tubes are bifurcated for a distance as such that it leads to one

of the side walls being directed away from the other side wall to contact the side wall of adjacent tube and core. The collecting tanks have walls that extend over the front and rear faces of the core past the bifurcation and which are joined in a fluid type manner to the end walls of the tubes along and beyond the bifurcation to form a fluid type joint.

None of this structure is shown by Jamison.

As noted previously, Jamison does not employ tubes, but rather metal stampings in his drawn cup construction. Furthermore, even if the metal stampings in Jamison were considered to be tubes, they are not generally rectangular shape because the side flanges 50 and 52 extend outwardly from the sides (unnumbered) of the recesses 48.

The manifold channel does not abut the end walls of the assembly utilizing the recesses 48 and flanges 50 and 52. Rather, it abuts the edges of the plates of which the flanges 50 and 52 are formed at a location between the end walls of the recesses 48 and the outermost edges of the flanges 50 and 52.

That is to say, the channel of Jamison does not abut the end walls of a tube. Rather, it contacts the thickness of the plates within the slot 84. And, depending upon the thickness of the plate, it will be more or less difficult to obtain a seal at that location and certainly it will be more difficult to obtain a seal than if the channel was sealed against the end walls of a rectangular tube rather than just the thickness of the plates.

In short, not only does claim 1 structurally define over what is shown by Jamison, but the structural differences provide an improved structure from the sealing standpoint

because much more of the surface of the tubes is abutted by the channel in Applicants' invention than in the case Jamison, making the likelihood of obtaining a seal with, for example, braze metal or solder, far more reliable.

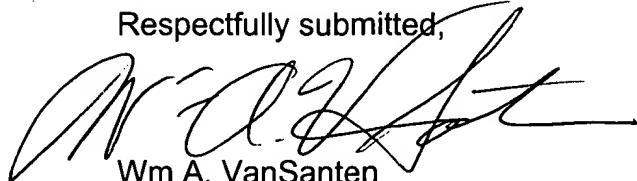
But if that is not enough, the claim construction provides a material saving over the construction of Jamison. Specifically, the claimed invention eliminates the need for any flanges such as the flanges 50 and 52 of Jamison and the elimination of that material provides, not only a cost savings in the construction, but a weight savings in the vehicle in which Applicants' heat exchanger is intended to be used. This weight savings increases the heat efficiency of operation of a vehicle by increasing fuel economy. And Applicants elimination of Jamison's flanges 50, 52 reduce the size of the heat exchanger as well.

Given the forgoing, it is clear that a §102 rejection is improper because of the structural differences recited in claim 1 and in claim 11. Further, the fact that there are substantial advantages in sealing, material savings, size and weight achieved by Applicants' invention, which improvements are nowhere shown or suggested by Jamison, shows that a §103 rejection would be likewise improper, lacking more pertinent prior art.

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It is therefor believed that the application is in allowable form and notification to that effect is solicited.

Respectfully submitted,



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